

USDC SDNY
DOCUMENT
ELECTRONICAL

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

DOC #:

DATE FILED: 6/3/16

Index No. 15-CV-8681

-----X
 Closed Joint Stock Company "CTC Network," Closed
 Joint Stock Company "TV DARIAL," and Closed Joint
 Stock Company "New Channel"

Plaintiffs,

-against-

**STIPULATION, ORDER
 & PERMANENT
 INJUNCTION**

Actava TV, Inc. (<http://www.actava.tv>)

Defendant.

-----X
WHEREAS Plaintiffs Closed Joint Stock Company "CTC Network," Closed Joint Stock
 Company "TV DARIAL," and Closed Joint Stock Company "New Channel" ("Plaintiffs")
 commenced this action on November 4, 2015; and

WHEREAS Plaintiffs broadcast various channels (the "Channels") originating in the
 Russian Federation; and

WHEREAS Defendant Actava TV, Inc. (www.actava.tv) ("Defendant"), defaulted and
 an inquest remains pending; and

WHEREAS this matter was referred to Magistrate Judge Barbara Moses on January 12,
 2016 (Docket No. 21); and

WHEREAS the Parties have entered into a confidential settlement pursuant to which
 Defendant has satisfied Plaintiffs' claims for financial damages; and

WHEREAS pursuant to the confidential settlement agreement the parties have agreed
 that they shall bear their own costs and fees, including attorneys' fees; and

WHEREAS the Parties are desirous of finally resolving this matter;

IT IS HEREBY STIPULATED AND AGREED, that

1. The default judgment entered by the Court on January 12, 2016 (Docket No. 20) is hereby vacated and replaced by this Stipulation, Order, and Permanent Injunction (“Injunction”);
2. With the exception of any claim arising from the enforcement of the terms of this Injunction, Plaintiffs’ claims for relief against Defendant are hereby dismissed with prejudice;
3. Defendant, as well as its parents, subsidiaries, affiliates, predecessors, successors, divisions, operating units, principals (including but not limited to Rouslan Tsoutiev), officers, directors, shareholders, employees, attorneys, members, agents, heirs, representatives, spin-offs, and future assigns as well as any persons or entities in active concert or participation with Defendant are PERMANENTLY ENJOINED and RESTRAINED from:
 - a. Broadcasting, re-broadcasting or otherwise transmitting Plaintiffs’ Broadcasts as identified in Annex 1 or any other channel that Plaintiffs may in the future broadcast via any medium, including but not limited to internet protocol television (“IPTV”) and social media, without authorization;
 - b. directly or indirectly infringing or making any use, in any manner whatsoever, of Plaintiffs’ Broadcasts including any associated programs without authorization;
 - c. directly or indirectly infringing or making any use, in any manner whatsoever, of Plaintiffs’ Marks as identified in Annex 1 without authorization;
 - d. publishing or distributing any promotional materials referring to Plaintiffs’ Broadcasts or Marks; in any medium, including, but not limited to the internet

(including IPTV and social media), television, radio, newspapers, magazines,
direct mail or oral communication without authorization;

4. Defendant shall not register, purchase, manage or have any ownership interest in any website or device engaged in the unauthorized copying, caching, retransmission or distribution of Plaintiffs' Broadcasts;
5. This Injunction shall apply to Defendant's parents, subsidiaries, affiliates, predecessors, successors, divisions, operating units, principals, officers, directors, shareholders, employees, attorneys, members, agents, heirs, representatives, spin-offs, and future assigns, if any;
6. Failure to comply with this Injunction shall be deemed contempt of Court;
7. This Court shall retain jurisdiction for the limited purpose of enforcement of this Injunction, including determinations of damages and attorneys' fees which shall be recoverable in connection with any enforcement proceeding;
8. The Clerk of this Court shall enter Judgment terminating this action as to Defendant Actava TV, Inc.

DUNNINGTON BARTHOLOW
& MILLER LLP
Attorneys for Plaintiffs

By: 

Raymond J. Dowd
Samuel A. Blaustein
250 Park Avenue, Suite 1103
New York, New York 10177
(212) 682-8811
rdowd@dunnington.com
sblaustein@dunnington.com

GOTTLIEB RACKMAN AND REISMAN,
P.C.
Attorneys for Defendant

By: 

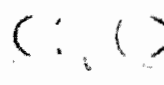

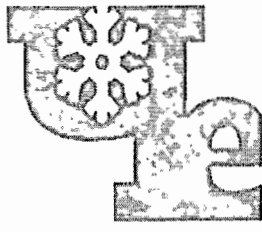
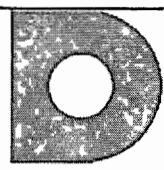

Marc P. Misthal
Jonathan A. Malki
270 Madison Avenue
New York, New York 10016
(212) 684-3900
mmisthal@grr.com
jmalki@grr.com

SO ORDERED:

 6/3/16
Hon. Barbara Moses, U.S.M.J.
tm

ANNEX 1

(Broadcasts and
Marks)

PLAINTIFF	Closed Joint Stock Company "CTC Network"	Closed Joint Stock Company "TV DARIAL"	Closed Joint Stock Company "New Channel"
MARKS		 	  ДОМАШНИЙ
CHANNEL	CTC Network	Peretz (renamed Che TV in November 2015)	Domashny